THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

Writ Petition No. 9753 of 2006

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Dated: 09.05.2006

Between

K. Ramakrishna, S/o Venkatramana, R/o H.No.19-101, Kondanda Ramnagar, P & T Colony, Dilsukhnagar, Hyderabad.

……Petitioner.

And

The Commissioner of Prohibition and Excise, Nampally, Hyderabad and others.

……Respondents.

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

Writ Petition No. 9753 of 2006

Order:

This writ petition is filed with the following prayer.

> "To issue a Writ of Mandamus or other appropriate order or direction in the nature of a writ directing the respondents, particularly, the 2nd respondent to conduct enquiry into seizure of the vehicle of the petitioner bearing No.AP 16X 968 in Cr. No.277/05-06 of Uravakonda, Prohibition and Excise Station and pass appropriate orders after declaring their inaction as also the order

dated 18.03.2006 bearing R.C.No.183/2006/B2 and order dated 28.03.2006 bearing R.C.No.83/2006/B2 issued by the 2nd respondent insofar as it impose condition for release of the vehicle as arbitrary, discriminatory and violative of Articles 14 and 19(1)(G) of the Constitution of India."

The petitioner is the registered owner of the vehicle bearing No. AP 16X 968. On 09.03.2006, the third respondent intercepted the said vehicle, and 7 polythene bags of arrack sachets belonging to Karnataka State were found in the vehicle. Therefore, the vehicle was seized by the third respondent and a case in Crime No. 277/2005-2006 for the offence under Section 7(a) read with Section 8 (e) of the A.P. Prohibition Act, 1995, was registered against the petitioner. When the petitioner sought for interim custody of the vehicle in question, the second respondent, after getting the value of the vehicle assessed by the Motor Vehicle Inspector, ordered release of the vehicle on condition of the petitioner furnishing Bank Guarantee/F.D.R. for the value of Rs.2,70,000/- as assessed by the Motor Vehicle Inspector. The petitioner, instead of furnishing the said Bank Guarantee/FDR, submitted a representation to the first respondent requesting him to release the vehicle by imposing compounding fee, which was rejected, by order dated 01.05.2006. Now, the petitioner filed the present writ petition seeking a direction to the second respondent to conduct enquiry into seizure of the vehicle under the provisions of the A.P. Prohibition Act, at an early date, and to release the vehicle, seized on 09.03.2006.

Learned counsel for the petitioner submits that the condition imposed by the second respondent directing the petitioner to deposit Rs.2,70,000/- by way of Bank Guarantee/F.D.R. is highly onerous.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to complete the enquiry within a period of ten weeks from the date of receipt of a copy of this order and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

M. VENKATESWARA REDDY, J.

Date: 09.05.2006

Nsr/Skmr